

January 22, 2009

Ms. Deb Yamamoto
US Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
M/S ECL-115
Seattle, WA 98101-3140

Subject: Port of Portland 104(e) Response: Proposed Schedule for Remaining Submittals

Dear Ms. Yamamoto:

Per our conference call with Kristine Koch and Lori Cora on January 15, 2009, the Port of Portland (Port) is hereby proposing a revised submittal schedule for the Port's remaining 104(e) responses. The Port appreciates EPA's understanding of our resource constraints as a public entity and the complexity of submitting numerous 104(e) responses concurrent with the continued heavy workload and demands associated with the Portland Harbor Superfund Site. In turn, the Port understands EPA's need to gather the 104(e) information in a timely manner sufficient to meet the Agency's objectives. The Port feels the proposal outlined in this letter is a prudent approach that will help us meet our mutual needs and accommodate the identified constraints.

A summary of the proposed terms discussed during the call are outlined as follows:

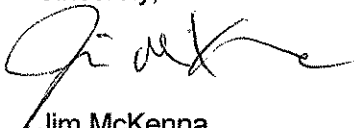
1. Approach: Currently, the Port is on schedule to submit a response for the Dredge Base on February 16, 2009. For the remaining Port responses, EPA expressed a preference to obtain the 104(e) submittals for the former Portland Shipyard (currently owned by Cascade General) and Terminal 4 this spring and early summer, with the remaining three submittals due by the end of September 2009. The Port can accommodate EPA's preference and submit the response for Terminal 4 by April 30, 2009, and the former Portland Shipyard by June 30, 2009. However, as we discussed in the conference call, and based on the reasons outlined in the Port's December 15, 2008 letter to EPA, the Port proposes providing the narrative responses for these two sites to EPA on the identified dates, and submitting the backup documentation by the end of September 2009. This would provide EPA with pertinent key information in the near term and would give the Port some needed resource reprieve. Should the Port identify additional pertinent information during the course of compiling the backup documentation that warrants a change or augmentation to the responses, the Port will amend the initial response and supply that information along with the backup documentation.
2. Site List: The Port explained its limited connection to the Boise Cascade/Freightliner Headquarters properties on Swan Island and requested it be removed from the list of Port-required responses. As discussed, the Port is strictly the land owner at that location; the buildings are owned by the respective parties and are administrative in nature; the only other features associated with these properties are parking lots and landscaping. Further, these buildings are of relatively recent construction (circa 1970s) and the Port is not aware of any

significant prior uses of that area of Swan Island. The Port agreed to provide the lease agreements for those buildings to EPA under a cover letter so it has the documentation and understands the relationship between the Port and those parties. Lastly, since Freightliner is submitting a response for that location, the Port understands EPA may follow up with the Port for additional information should it be necessary. The Port will provide the lease agreements for the Boise Cascade/Freightliner Headquarters by February 16, 2009.

3. Documentation: The Port's records contain a substantial number of aerial photographs and drawings for its sites and Portland Harbor in general. For previous submittals, the Port interpreted question 13 of the 104(e) request on its face, and therefore provided EPA with all of the aerals and drawings contained in its records for the relevant locations. EPA indicated it cursorily reviewed the Port's response for Terminal 2 dated September 22, 2008, and determined it contained significantly more aerals and drawings than were necessary to support the response. EPA indicated that the Port should use its professional judgment as to whether a particular aerial photo or drawing is pertinent to support the 104(e) response. Accordingly, the Port hereafter interprets for all remaining responses the language in question 13 referring to "all drawings" and "all aerial photographs" to mean "representative drawings" and "representative photographs" that will be selected using our best professional judgment.
4. Declaration: Based on the approach outlined in #1 above, the Port requests that EPA allow for modified language in the declaration for the transmittal of the Terminal 4 and Portland Shipyard responses to accommodate the modified approach.

As we have mentioned previously, the Port is committed to fulfilling its obligations associated with the various complex aspects of the Portland Harbor Superfund Site, including the 104(e) responses, and seeks your assistance in helping us prioritize and manage the substantial workload in a manner that meets our respective objectives. We feel the attached 104(e) schedule will help us achieve that shared goal. If you have any questions please feel free to call me at (503) 944-7325.

Sincerely,



Jim McKenna
Superfund Project Manager

Enclosure

c: Lori Cora, EPA
Elizabeth McKenna, EPA
Kristine Koch, EPA
David Ashton, Port
Tom Imeson, Port
Carla Kelley, Port
Sara Moore, Port
LWP File